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THE OPINION OF
MONSIEUR LE COMPTE DE CASTELLANE,

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ON
THE DECLARATION OF RIGHTS.

DELIVERED

ON THE FIRST OF AUGUST M.DCC.LXXXIX,

IN THE

FRENCH NATIONAL ASSEMBLY.



T O
THE REVOLUTION SOCIETY,
THIS SPEECH IS DEDICATED.
THE FRENCH NATION,
HAVING ACTED CONSISTENTLY
UPON THE UNCORRUPTED
PRINCIPLES OF THE REVOLUTION;
AND FOLLOWED
THE EXAMPLE OF THE ENGLISH
IN PUBLISHING
A BILL OF RIGHTS,
AND
PLACING IT AT THE HEAD OF THEIR LAWS;
DO, BY THIS APPROBATION OF
A GENEROUS AND FREE PEOPLE,
CONCUR WITH THE SENTIMENTS OF
THIS SOCIETY,
AND
NOBLY CONFIRM AND EXTEND
THE PRACTICE OF A CENTURY.
MAY THIS CONCURRENCE
OF PRINCIPLES AND PRACTICE
A U G U R
FREEDOM AND FELICITY
TO BOTH NATIONS,
ENGAGED IN THE SAME GLORIOUS CAUSE.

THE OPINION OF MONSIEUR LE COMTE DE
CASTELLANE, ON THE DECLARATION
OF RIGHTS, DELIVERED ON THE FIRST
OF AUGUST, MDCCLXXXIX, IN THE
FRENCH NATIONAL ASSEMBLY.

GENTLEMEN,

IT seems to me not to be the business of this day to deliberate on the choice of the different declarations of rights, which have been submitted to the examination of the committees. It is a grand previous question, which will be sufficient, without doubt, to employ to-day the moments of this assembly :—shall there be a declaration of rights placed at the head of our constitution ? On deciding for the affirmative, I shall endeavour to answer all the objections which I can collect.

Some say, the first and principal truths being engraved on our hearts, the particular declaration which we shall make, will be of no use.—Nevertheless, gentlemen, if you will deign to cast your

eyes over the surface of the terrestrial globe, without doubt, you will tremble with me, in considering how very few nations have preserved, I do not say, all their rights, but only some ideas, some remains, of their liberty: and without being obliged to mention all Asia, or the unhappy Africans, who find in the isles of America, a slavery more severe and cruel, than they experience in their own country. Without going, I say, from Europe, do we not see whole nations, who believe that they are the property of some lords? Do we not see them, almost all, imagine that they owe obedience to the laws made by their tyrants, to which they themselves are not subject? Even England, in that famous island, which seems to have preserved the sacred fire of liberty, do there not exist abuses, which would totally disappear, if the rights of men were there better known?

But it is France we are now concerned about, and I ask, gentlemen, is there a nation which has more constantly forgotten and neglected the principles on which a good constitution can only be established? If one excepts only the reign of Charlemagne, we have successively submitted to the most infamous and debasing tyrannies*. Scarcely escaped from barbarism, frenchmen experienced
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[* France may now triumphantly cry out—

Libertas quæ sera, tamen respexit inertem,

Respexit tamen, et longo post tempore venit.]

in the feudal system, all the calamities combined which aristocracy, despotism, and anarchy could produce. Sensible, at last, to their misfortunes, they lent their assistance to their kings to destroy particular tyrants; but men, blinded by ignorance, only change their fetters. Having felt the despotism of their lords, they next suffer under the tyranny of their ministers; and thus are they not only in part deprived of their power over their own landed property, but even stripped of their personal freedom, by the practice of lettres-de-cachet being established. Be assured, gentlemen, that detestable invention was owing to the people being ignorant of their rights. Most certainly they could never approve of it: never could the whole body of frenchmen become fools all at once; nor have said to their king, we give you absolute power over our persons,—we will be free no longer than until it will be convenient to you to make us slaves; and our children also shall be slaves to your children. You shall, at your pleasure, tear us from our families, and send us to prison, where we shall be entrusted to the care of a jailor chosen by you, who, being secured by his very infamy, will be out of the reach of the law. But if despair, the power of a mistress, or of a favorite, change for us this abode of horror into a tomb, no one will hear our dying voice; your will, real, or supposed, will render
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it just; you will be our only accuser, our judge, and our executioner.

But it is impossible this execrable language could ever have been uttered. All our laws forbid to obey lettres-de-cachet: no man approves of them. It is the people only that can make the laws respected. What can the parliaments do,—these pretended guardians of our feigned constitution? What could they do against the strokes of power, of which they themselves have felt the fatal effects? What could even the representatives of the nation do against the future abuse which might be introduced in the exercise of the executive power, if the whole body of the people would not respect the laws which they had promulgated?

It appears to me, that I have answered those who think that a declaration of rights is unnecessary. There are those who go further, and think it dangerous at this time, when all the springs of government being destroyed, the populace give themselves up to much excesses, which makes them apprehend much greater.

But, gentlemen, I am certain the majority of those that hear me, will think as I do,—that the true way to prevent licentiousness is to fix the foundations

foundations of liberty. The more men know their rights, the more they will love those laws which protect those rights; the more they love their country, the more they will fear disorder; and if the outlaws disturb the public security and peace, all those citizens, who have any thing to lose, will unite against them.

I think then, gentlemen, that we ought to place a declaration of the rights of men at the head of our constitution *. Although decided in my own particular opinion, among those which have been proposed, yet I think that which we shall adopt ought to be discussed with care and attention: and perhaps we may not reject totally any one of those declarations which have been proposed to us. I think also, that this same declaration ought to be admitted and placed before the laws, of which
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[* “ In Turkey there are no Lockes, Sidneys, Prices, Rousseaus, or national assembly, to subvert the ancient and established state of despotism, by the publication of the elementary principles of society; which must necessarily appear to turkish minds trifling and pedantic: by consequence, the declarations of the rights of man, which you call mad declarations, and institutes or digests of anarchy, are not heard of. The conclusions of philosophy, or the claims of nature, being considered as ideal, are not admitted there.” See *Observations on* (Dr. Hurd’s) *the lord bishop of Worcester’s*, two dialogues on the constitution of the english government. 8vo. 1790. dedication, p. xxxi.]

it is the source; and the imperfections or the omissions of which, it will in the sequel repair.

Returning then to this simple question,—whether the frontispiece of our constitution shall, or or shall not, be ornamented with a declaration of the rights of men, I am absolutely determined for the affirmative.

